

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 2859
George J. Misic)
Filed: February 25, 2002) Examiner: Arana, Louis M.
Serial No. 10/082,818) Docket No.: MR/98-004.C
Confirmation No. 1542)
For: MULTIMODE OPERATION OF)
QUADRATURE PHASED ARRAY)
MR COIL SYSTEMS) Date: November 18, 2003

RECEIVED
CENTRAL FAX CENTER
NOV 18 2003
OFFICIAL

MAIL STOP NON-FEE AMENDMENT
COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO PROVISIONAL REJECTION OF CLAIMS
FOR ALLEGEDLY CLAIMING SAME INVENTION AS A LATER-FILED
APPLICATION

Dear Sir:

Applicant acknowledges that he has received a Final Office Action dated September 10, 2003, concerning the application for patent cited above. According to the Final Office Action, the claims of the present application allegedly conflict with those of a later-filed application filed by Applicant and thus run afoul of the prohibition against double patenting.

Applicant argues herein that the claims of the present application do not cover specific subject matter disclosed by and claimed in the later-filed application, and thus do not run afoul of the prohibition against double patenting. For the reasons set forth below, Applicant respectfully requests withdrawal of the

Response To Provisional Rejection
U.S. Serial No. 10,082,818
Page 2 of 4

finality of the pending Office Action and examination of claims 38-71 of the present application.

Summary of Final Office Action With Regard To Claims 38-71

Claims 38-71 stand provisionally rejected, under 35 U.S.C. §101, as claiming the same invention as that of claims 31-75 of U.S. Application Serial No. 10/178,594, of which Applicant is the same inventor. Specifically, on pages 2-3 of the Office Action, the Examiner stated that:

2. Claims 38-71 of this application conflict with claims 31-75 of Application No. 10/178,594. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. MPEP §822

4. Claims 38-71 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 31-75 of copending Application No. 10/178,594. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Applicant respectively contends that claims 38-71 of the present application recite an invention different from and broader than that claimed in claims 31-75 of U.S. Application 10/178,594. A close look at the pending claims of the later-filed application reveals at least two limitations not disclosed in and thus not claimed by the present application. For example, in independent claims 31, 48, 65 and 75 of the later-filed application, Applicant recites limitations to a **high resolution brain and c-spine mode** and a **cervical spine mode**. These limitations do not appear in and are not fully supported by the present application.

Response To Provisional Rejection
U.S. Serial No. 10,082,818
Page 3 of 4

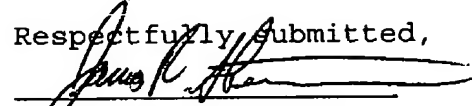
A comparison of Figure 2A of the later-filed application and Figure 2A of the present application is illustrative. Support for the aforementioned limitations is found in Figure 2A (and the corresponding description) of the later-filed application. No such support for those limitations, however, is found in the present application. Those limitations, therefore, do not appear in the claims of the present application. More specifically, as can be clearly seen in Figure 2A of the later-filed application, the hand-drawn circuitry (see e.g., circuitry near input ports P7A and P7B) is the new circuitry in the later-filed application that accounts for the later-filed application being designated as a CIP application. This circuitry is not disclosed in Figure 2A of the present application, and for that reason could not be claimed in the present application. The absence of those limitations in the present application provide the "clear line of demarcation between the applications," as is required by M.P.E.P. §822.

Given the foregoing, Applicant respectfully requests the Examiner to withdraw the finality of the pending Office Action and commence examination of claims 38-71 of the present application. None of these claims has been changed in this *Response*, and thus the application still contains thirty-four (34) claims total: four (4) independent claims and thirty (30) dependent claims.

Response To Provisional Rejection
U.S. Serial No. 10,082,818
Page 4 of 4

If the Examiner has any questions regarding this Response,
he is invited to call the undersigned attorney at the telephone
number listed below.

Respectfully submitted,


James R. Stevenson
Attorney for Applicant
Registration No. 38,755

Medrad, Inc.
One Medrad Drive
Indianola, PA 15051-0780
TELEPHONE: (412) 767-2400 ext. 3280
FACSIMILE: (412) 767-8899